

United States District Court
District of Massachusetts

_____)	
United States of America,)	
)	
v.)	Criminal Action No.
)	19-10080-NMG
Gregory Colburn, et al.,)	
)	
Defendants.)	
_____)	

ORDER

GORTON, J.

Because the total number of defendants whose cases remain unresolved is eight, the Court will once again sever the trial currently scheduled to commence in September, 2021.

With respect to the "trial groupings" as to the remaining defendants, the Court has received and reviewed the motion for trial management and to reconsider severance (Docket No. 1909) of the defendant, John Wilson, in which Mr. Wilson renews his request to be tried separately because it would be more efficient and less prejudicial to him. The government opposes the motion (Docket No. 1912).

The Court once again disagrees with the defendant and, for the reasons already stated in its prior Memoranda and Orders, see, e.g., Docket Nos. 1334, 1414, 1438, defendant's motion (Docket No. 1909) is **DENIED**. See Reyes Canada v. Rey Hernandez, 224 F.R.D. 46, 48 (D.P.R. 2004) (explaining that a motion for

reconsideration should be granted only if the court has patently misunderstood a party or there is a significant change in the law or facts since the prior submission on the issues) (citing Bank of Waunakee v. Rochester Cheese Sales, Inc., 906 F.2d 1185, 1191 (7th Cir. 1990)).

Rather than hold eight separate trials for the remaining co-defendants, all of whom are alleged to have participated in a singular conspiracy, the Court will try the five defendants who allegedly conspired with Rick Singer to, among other things, facilitate the admission of their children through the so-called "side door" scheme together in September, 2021 ("the September Trial"). Those defendants are: Abdelaziz, Kimmel, Palatella, Wilson and Zadeh. The remaining alleged "test-cheating" defendants, i.e. Amy Colburn, Gregory Colburn and I-Hsin Chen, will be tried together in January, 2022 ("the January Trial").

The pre-trial schedule deadlines for the September Trial are as follows:

- 1) Reciprocal discovery from defendants: Friday, June 25, 2021;
- 2) Government exhibit/witness lists: Friday, June 25, 2021;
- 3) Defense expert disclosures: Friday, July 2, 2021;
- 4) Defense exhibit/witness lists: Friday, July 16, 2021;
- 5) Meet/confer on documents, etc.: Wednesday, July 21, 2021;

6) Rebuttal expert disclosures: Wednesday, July 28, 2021;

7) All parties motions in limine, voir dire, jury instructions: Friday, July 30, 2021;

8) All responses to motions in limine, voir dire, jury instructions: Friday, August 6, 2021;

9) Final pretrial conference: Wednesday, August 18, 2021, at 11:00 A.M.;

10) Jury empanelment to commence on Wednesday, September 8, 2021, at 9:00 A.M.; and

11) Jury trial, opening statements and evidence, to commence on Monday, September 13, 2021, at 9:00 A.M.

With respect to the January Trial, the following pre-trial schedule deadlines shall apply:

1) Reciprocal discovery from defendants: Monday, September 27, 2021;

2) Government exhibit/witness lists: Friday, October 15, 2021;

3) Defense expert disclosures: Monday, October 25, 2021;

4) Defense exhibit/witness lists: Friday, November 12, 2021;

5) Meet/confer on documents, etc.: Wednesday, November 17, 2021;

6) Rebuttal expert disclosures: Wednesday, December 1, 2021;

7) All parties motions in limine, voir dire, jury instructions: Friday, December 10, 2021;

8) All responses to motions in limine, voir dire, jury instructions: Friday, December 17, 2021;

9) Final pretrial conference: Wednesday, January 5, 2022, at 11:00 A.M.;

10) Jury empanelment to commence on Tuesday, January 11, 2022, at 9:00 A.M.; and

11) Jury trial, opening statements and evidence, to commence on Thursday, January 13, 2022, at 9:00 A.M.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated June 21, 2021